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Via Facsimilie: 1-202-307-1454

To Whom it May Concern:

I am writing you today to express my grave concern about the proposed settlement to the Microsoft anti-trust case. I hope you'll consider my comments under the Tunney Act.

I am the Chief Technology Officer of a company that develops internet content and software applications for a variety of mid- to large-sized businesses. I have ten years' experience as a computer programmer, systems engineer, and technologist.

After thoroughly reading the terms of the proposed settlement, I object to it on two equally important but distinct grounds.

First, the settlement fails to adequately punish Microsoft for its anti-competitive and illegal behavior. In order to be in the public interest, any settlement must substantially deny Microsoft the benefit of its illegal acts. The settlement further harms the public interest in this regard by failing to serve as a sufficient deterrent to future monopolies. Only an immensely large fine, of sufficient magnitude to mandate immediate changes in the company's business practices, could achieve these goals.

I urge you to consider the opinions of former Supreme Court Justice Robert Bork on this matter, as he expressed in a recent interview:
<http://www.linuxplanet.com/linuxplanet/opinions/4020/3/>



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My second objection to the settlement is that it is riddled with errors and other failings in terms and definitions, any one of which could allow Microsoft to evade all but the most convenient of the settlement's provisions.

Specifically, any settlement terms requiring Microsoft to disclose APIs and other documentation to its competitors and the general public must specifically define the effect that disclosure must achieve. For example, the remedies that address Microsoft's anti-competitive use of file formats must specifically state that the company's competitors and customers must be able to use the documentation to build tools that are completely and effectively compatible with Microsoft's tools.

In an effort to make the terms legally abstract enough to remain relevant to future products and technologies, they have been rendered largely useless. These failings, and others documented in the comments you've received under the Tunney Act, must be resolved before this or any settlement could be considered in the public interest.

Thank you for considering my comments.

Yours,

Matthew J. Rechs
Chief Technology Officer
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